

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

MICHAEL PELLIS ARCHITECTURE PLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 3:22-cv-00470
v.	)	
	)	
M.L. BELL CONSTRUCTION LLC, et al.	)	
	)	
Defendants.	)	

**ANSWER**

COME NOW Defendants M.L. Bell Construction LLC and Michael F. Bell, individually (collectively “ML Bell”), by counsel, and state as follows their Answer to the Complaint filed by Michael Pellis Architecture, PLC. ML Bell submits this Answer without prejudice to the Motion to Dismiss filed on August 12, 2022 (ECF 10), which remains pending before the Court.

**Nature of the Action**

1. Bell admits that the Complaint purports to state claims of the type listed.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit.
8. Admit.
9. In response to paragraph 9 of the Complaint, Bell admits that Strangeways Brewery (“Strangeways”) engaged Pellis. Bell denies that Pellis designed and authored a “set”

of plans. Pellis produced a single floor plan identified as Sheet A1.0 and dated March 16, 2022. *See* Exhibit A, attached.

10. In response to paragraph 10 of the Complaint, Bell admits that Strangeways engaged Pellis. *See* Exhibit B, attached. The terms of the agreement between Strangeways and Pellis speak for themselves. Bell denies that Pellis designed and authored “architectural drawings and plans.” Pellis produced a single floor plan identified as Sheet A1.0 and dated March 16, 2022. *See* Exhibit A, attached.

11. In response to paragraph 11 of the Complaint, Bell avers that they lack sufficient information to know what Pellis delivered to Strangeways or when. Bell avers that that the only plan provided to Bell is a floor plan, designated Sheet A1.0 dated March 16, 2022. *See* Exhibit A. Strangeways provided this floor plan to Bell on March 24, 2022. Bell denies that Pellis prepared a “full set of plans.” The plans submitted for permit consisted of only four sheets: a cover page, the aforementioned floor plan drawn by Pellis, and single sheets plans for electrical and plumbing prepared by ML Bell and licensed mechanical subcontractors.

12. Denied. In an email on March 29, 2022, Pellis gave Bell explicit permission to use a CADD drawing provided by Pellis as a template for egress and reflected ceiling plans if needed. *See* Exhibit C, attached.

13. Denied.

14. In response to paragraph 14 of the Complaint, Bell avers that they lack sufficient information about any conversations between the plan review office and Pellis. Any remaining allegations in paragraph 14 are denied.

15. In response to paragraph 15 of the Complaint, Bell avers they lack sufficient information to know what Pellis had or had not seen. Any remaining allegations in paragraph 15 are denied.

16. Denied.

17. Denied.

18. Denied.

19. Paragraph 19 states inaccurate legal conclusions concerning the use of a professional seal. To the extent a response is required, any factual allegations in this paragraph are denied.

20. Paragraph 20 states inaccurate legal conclusions concerning the use of a professional seal. To the extent a response is required, any factual allegations in this paragraph are denied.

21. Denied. The emails speak for themselves.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. In response to paragraph 26 of the Complaint, Bell agrees that Bell did not contract with Pellis. Pellis specifically authorized Strangeways to use his one floor plan to obtain a construction permit. Pellis specifically authorized Bell to use a CADD drawing sent by Pellis to Bell as a template for the other drawings that may be needed to submit for permit.

27. Bell incorporates by reference their responses to paragraphs 1-26

28. In response to paragraph 28 of the Complaint, Bell avers that they lack sufficient information to determine what “plans” Pellis registered for copyright protection. Moreover, Pellis’ allegations regarding copyright ownership and validity state legal conclusions to which no response is required. Any remaining allegations in paragraph 28 are denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Bell incorporates by reference their responses to paragraphs 1-22

34. Denied.

35. Denied.

36. Denied.

37. Bell incorporates by reference their responses to paragraphs 1-36

38. Denied

39. Denied.

#### **AFFIRMATIVE DEFENSES**

1. Pellis lacks standing to assert some or all of the claims set forth in the Complaint.
2. Pellis is not entitled to an award of statutory damages, enhanced damages, or attorneys fees under the Copyright Act.
3. Pellis’ claims are barred by the doctrines of laches, unclean hands, and waiver.
4. The Complaint, and each count in the Complaint, fails to state a plausible claim upon which the requested relief can be granted.

WHEREFORE, for the foregoing reasons, M.L. Bell Construction, LLC and Michael F. Bell deny that they are liable to Pellis for any reason or in any amount whatsoever and pray that this action be dismissed, and that they be awarded such other relief as the facts and the law may warrant.

M. L. BELL CONSTRUCTION, LLC

MICHAEL F. BELL

Respectfully submitted,

/s/ James W. Walker

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of July 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF systems which will send a notification of electronic filing (NEF) to all counsel who have appeared in this matter.

/s/ James W. Walker

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